

**Iowa Department of Natural Resources  
Natural Resource Commission**

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**ITEM**

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**DECISION**

**TOPIC      Boundary Agreement – Black Hawk Lake State Park and Black Hawk Wildlife Management Area, Sac County – Provost Trust**

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The Natural Resource Commission's approval is requested to enter into a boundary agreement with the Provost Trust (Trust) to redefine the boundary between Trust property and state property along the south side of Black Hawk Lake State Park in Sac County.

The state acquired the property that is the subject of this proposed agreement under two fee title purchases in 1935 and 1936. The tracts consisted of a 10 acre northerly tract riparian, a 15 acre southerly tract riparian and a connecting 40 foot wide by 2,737 foot long right of way occupied by an existing road. The riparian tracts are managed as Black Hawk Wildlife Management Area and the connecting road is managed as part of Black Hawk Lake State Park. The road was realigned and paved in the mid 1960s.

Today the Trust owns the riparian property between the 40 foot right of way and the lake. The Trust recently hired a registered land surveyor to locate the boundaries of its property adjacent to the state's property. The survey revealed numerous errors in previous land surveys of the area. The road realignment resulted in long standing occupation and use of the right of way area by both the DNR and the Trust in conflict with the original deed descriptions. Additionally, approximately 15 feet by 60 feet of the southerly parcel in the wildlife area is occupied by the Trust with a portion of a cabin and a maintained yard. Located immediately adjacent, the DNR occupies Trust property with a portion of the public parking area.

Based on staff review of the land survey and its review of the history of use of the property, the proposed boundary agreement recognizes title to the property in accordance with both parties' long existing land use and to correct the public land survey records. The agreement will mutually benefit both the state and the Trust. The Trust has provided all the survey costs associated with this issue to date. A minor amount of additional land surveying will be required. The Trust has agreed to pay one half of the additional cost. The cost to the state for the additional survey will not exceed \$500.

Attachment

Linda Hanson, Administrator  
Management Services Division  
May 8, 2008